

## Urban Area Rules

## Comments

<p><b>Sec. 42-101. Urban area designation.</b></p> <p>(a) The city council may designate any area within the city that meets each of the criteria of subsection (c) of this section as an urban area.</p> <p>(b) An application for the designation of an urban area shall be filed with the department and shall:</p> <ol style="list-style-type: none"> <li>(1) Be made on an application form provided by the department; and</li> <li>(2) Be signed by one or more owners of property within the area proposed for designation.</li> </ol> <p>(c) An area is eligible for designation as an urban area if:</p> <ol style="list-style-type: none"> <li>(1) The area is bounded by one or more major thoroughfares or other defining physical features, such as railroad tracks or rights-of-way, major overhead power transmission lines contained in fee strips or easements of at least 80 feet in width, bayous, flood control drainageways, parks or schools;</li> <li>(2) At least 80 percent of the parcels within the boundaries of the area, exclusive of parcels designated as public parks or open space, are developed with improvements;</li> <li>(3) At least 25 percent of the parcels within the boundaries of the area are developed for or deed restricted to single-family residential or multi-family residential use;</li> <li>(4) At least 30 percent of the parcels within the area are developed with nonresidential uses;</li> <li>(5) Single-family residential development within the boundaries of the area is at an average density of at least five units per acre, exclusive of public street rights-of-way;</li> <li>(6) At least 25 percent of the streets within the boundaries of the area do not exceed 1,000 feet between intersections; and</li> <li>(7) The area comprises at least one-half of a square mile of land.</li> </ol> <p>(d) The commission shall receive the recommendation of the director regarding the application and hold a public hearing on the application before recommending to the city council the designation of any urban area pursuant to this section. The director shall give notice of the public hearing before the commission to each owner of property in the proposed urban area as shown on the most recently certified tax roll of the county in which the area proposed for designation is located by letter deposited into the United States postal service, postage paid, no later than 30 days before the date of the public hearing. The director also shall give notice of the public hearing before the commission by posting, no later than 30 days before the date of the public hearing, at least two signs within the boundaries of the proposed urban area at locations selected by the director as reasonably calculated to be seen by residents of, and occupants of property within, the proposed urban area. The signs shall be placed so that each sign will be visible, and the writing on the sign will be legible, from at least one public right-of-way. Each sign shall be a minimum of four by eight feet in size, and shall contain at a minimum the following items of information:</p> <ol style="list-style-type: none"> <li>(1) That the area is being considered for designation as an urban area;</li> <li>(2) A general description of the area being considered for</li> </ol>	
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<p>designation;</p> <p>(3) The date of the public hearing on the designation; and</p> <p>(4) The name and telephone number of a person within the department who can be contacted for additional information.</p> <p>If the director, in his sole discretion, determines that the size, configuration, traffic patterns or other characteristics of the proposed urban area warrant the placement of additional signs, the director shall cause an appropriate number of additional signs to be posted.</p> <p>At the public hearing before the commission, the director shall maintain a register upon which interested persons may place their names and mailing addresses. At the public hearing before the commission, any owner of property within the proposed urban area and any other interested person shall be entitled to make comments, in person or in writing, on the proposed designation.</p> <p>(e) After the close of the public hearing, the commission shall recommend to the city council the designation of a proposed urban area that meets the criteria of subsection (c). If the commission, by majority vote of members present, votes to recommend the designation of the proposed urban area, the director shall forward the recommendation to the city council for consideration. If the commission does not vote to recommend the designation of the proposed urban area, the action of the commission with respect to the application is final. If the commission does not recommend designation of an area as an urban area, the department shall not accept an application for designation of the same or substantially the same area for one year following the date of the commission action.</p> <p>(f) Upon receipt of the recommendation of the planning commission, the city council shall hold a public hearing on the recommendation. The director shall give notice of the public hearing before the city council by mail to each person on the register established under subsection (d) not less than 30 days prior to the date of the public hearing before the city council. After the close of the public hearing the city council shall consider the recommendation of the commission and, consistent with the criteria of subsection (c), approve or deny the proposed designation. The decision of the city council with respect to a designation shall be final. If the city council does not designate an area proposed as an urban area, the department shall not accept an application for designation of the same or substantially the same area for one year following the date of the city council action.</p>									
<table border="1"> <tr> <th colspan="2">Urban</th></tr> <tr> <td>Central Business District</td><td>0 feet</td></tr> <tr> <td>Abutting Major Thoroughfare</td><td>25 feet</td></tr> <tr> <td>Single-family Lot Backing on Major Thoroughfare</td><td>10 feet, if meets standards of Sec. 42-153</td></tr> </table>	Urban		Central Business District	0 feet	Abutting Major Thoroughfare	25 feet	Single-family Lot Backing on Major Thoroughfare	10 feet, if meets standards of Sec. 42-153	
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Central Business District	0 feet								
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Abutting Major Thoroughfare with Planned ROW of 80' or less		
• General	15 feet, if meets standards of Sec. 42-154	
• Retail Commercial Center	5 feet, if meets standards of Sec. 42-155(a) 0 feet, if meets standards of Sec. 42-155(b)	
Collector and Local Streets -		
Not Single-family Residential	10 feet	
• Nonresidential Across from Single-family Lots with Platted Building Line Greater than 10'	Lesser of 25 feet or Greatest Building Line on Single-family Lots	
Collector Streets - Single-family Residential	10 feet, Principal Structure  17 feet, Garage or Carport Facing Street 5 feet, if meets standards of Sec. 42-159(c)	
Local Streets - Single-family	10 feet, Principal Structure  17 feet, Garage or Carport Facing Street	
Residential	5 feet, if meets standards of Sec. 42-159(c)	
Private Streets	5 feet for habitable structure	

Type 2 Permanent Access Easement	5 feet for habitable structure	
<p><b>Sec. 42-151. Exceptions to building line requirement.</b></p> <p>(a) Property within the central business district shall not be subject to a building line requirement.</p> <p>(b) The commission, after public hearing, shall exempt other areas within the city from the building line requirement upon determining that the area has:</p> <ol style="list-style-type: none"> <li>(1) Blockfaces of 300 feet or less;</li> <li>(2) Public rights-of-way not less than 80 feet wide; and</li> <li>(3) Levels of vehicular traffic equivalent to the central business district as determined after a study by the traffic engineer.</li> </ol>		
<p><b>Sec. 42-154. Urban area--Major thoroughfares with planned right-of-way of 80 feet or less.</b></p> <p>A building line requirement of 15 feet is authorized for parcels in an urban area that have frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a subdivision plat or development plat that demonstrates compliance with each of the following standards, if applicable:</p> <ol style="list-style-type: none"> <li>(1) The subdivision plat does not provide for lots adjacent to the major thoroughfare and the development plat does not provide for single-family development adjacent to the major thoroughfare, as applicable;</li> <li>(2) Any private street or private drive crossing the building line is substantially perpendicular to the adjacent major thoroughfare and the building line;</li> <li>(3) The area within the building line is not used for parking, driveways or any other auto-related uses such as access to a drive-in window;</li> <li>(4) A clearly-defined pedestrian walkway that is separate from any private street or private drive is established across the building line perpendicular to the sidewalk providing a connection from a public sidewalk along the major thoroughfare to an entrance to a building or the project;</li> <li>(5) Provision is made for a sidewalk that is at least five feet wide to be constructed by the applicant within the right-of-way of the major thoroughfare;</li> <li>(6) The height of any building within 15 feet behind the building line is restricted to not more than 75 feet, as measured in accordance with the Building Code;</li> <li>(7) Trees that are within 25 feet of the property line adjacent to the major thoroughfare are protected as corridor trees pursuant to article V of chapter 33 of this Code;</li> <li>(8) The building line conforms to the visibility triangle required by section 42-162 of this Code at the intersection of a major thoroughfare and any other street;</li> <li>(9) For any property used for nonresidential purposes, the maximum height of any fence, wall, berm or combination thereof within the building line is 36 inches in height measured from mean grade;</li> <li>(10) For multi-family residential uses, any fence, wall, berm or</li> </ol>		

<p>combination thereof within the building line that is more than 36 inches high, but less than eight feet high, measured from mean grade is at least two feet from the property line adjacent to the major thoroughfare and the space created thereby is used and maintained for landscape plantings; and</p> <p>(11) For purposes of section 33-127(b) of this Code, the number of required shrubs shall be equal to the number of required street trees multiplied by five, which required shrubs shall be distributed along the street frontage of the property in the landscape strip.</p>	
<p><b>Sec. 42-155. Urban area--Major thoroughfares with planned right-of-way of 80 feet or less--Retail commercial center.</b></p> <p>(a) Except as provided in subsection (c), a building line requirement of five feet is authorized for a parcel in an urban area used for a retail commercial center with frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a development plat that demonstrates compliance with each of the following standards:</p> <p>(1) The development plat incorporates a five-foot area within the building line that the applicant will improve with a sidewalk or landscaping if the sidewalk is provided in the right-of-way;</p> <p>(2) All off-street parking is provided to the rear or side of any improvements on the property;</p> <p>(3) If any driveway is provided from the major thoroughfare to the side of any improvements on the property, the driveway shall meet one of the following standards:</p> <p>a. Not more than one driveway with two bays of parking comprising a maximum of 62 feet in width is placed to the side of any improvements, provided that the combination of parking and driveway does not exceed 1/3 of the total frontage of the retail commercial center; or</p> <p>b. Not more than one two-way driveway of not more than 24 feet in width is provided from the major thoroughfare to parking at the rear of the improvements; or</p> <p>c. Not more than two one-way driveways of 15 feet each is provided from the major thoroughfare to parking at the rear of the improvements;</p> <p>(4) If the applicant proposes to locate the sidewalk within the building line, the applicant presents evidence that the director of public works and engineering has waived the requirement for a sidewalk within the right-of-way in exchange for the commitment of the owner of the adjacent property to install and maintain landscaping in a ten-foot strip within the right-of-way adjacent to the property;</p> <p>(5) The improvement that will be located along the reduced building line contains 90 percent of the gross floor area of all improvements located on the parcel;</p> <p>(6) Trees that are within 25 feet of the property line adjacent to the major thoroughfare are protected as corridor trees pursuant to article V of chapter 33 of this Code; and</p> <p>(7) For purposes of section 33-127(b) of this Code, the number of required shrubs shall be equal to the number of required street trees multiplied by five, which required shrubs shall be distributed along the street frontage of the property in the landscape strip.</p> <p>(b) Except as provided in subsection (c), a building line requirement of zero feet is authorized for a parcel in an urban area used for a retail commercial center with frontage on a major</p>	

<p>thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a development plat that demonstrates compliance with each of the following standards:</p> <p>(1) The development plat provides for an arcade or colonnade at least six feet wide along the full face of the retail commercial center parallel to the major thoroughfare;</p> <p>(2) All off-street parking is to the rear or side of any improvements on the property;</p> <p>(3) Any driveway from the major thoroughfare to the side of any improvements on the property shall meet one of the following standards:</p> <p>a. Not more than one driveway with two bays of parking comprising a maximum of 62 feet in width is placed to the side of any improvements, provided that the combination of parking and driveway does not exceed 1/3 of the total frontage of the retail commercial center;</p> <p>b. Not more than one two-way driveway of not more than 24 feet in width is provided from the major thoroughfare to parking at the rear of the improvements; or</p> <p>c. Not more than two one-way driveways of 15 feet each is provided from the major thoroughfare to parking at the rear of the improvements;</p> <p>(4) The applicant presents evidence that the director of public works and engineering has waived the requirement for a sidewalk within the right-of-way in exchange for the commitment of the owner of the adjacent property to install and maintain landscaping in a ten foot strip within the right-of-way adjacent to the property. The plantings in the ten-foot landscaping strip shall comply with the requirements of article V of chapter 33 of this Code;</p> <p>(5) The improvement that will be located along the reduced building line contains 90 percent of the gross floor area of all improvements located on the parcel; and</p> <p>(6) Trees that are within 25 feet of the property line adjacent to the major thoroughfare are protected as corridor trees pursuant to article V of chapter 33 of this Code.</p> <p>(c) Subsections (a) and (b) do not apply to any retail commercial center that is located on a parcel that has been created from a larger parcel or reserve, either by subdivision or lease agreement, if the remaining portion of the original parcel or reserve is used for nonresidential purposes.</p>	
<p><b>Sec. 42-159. Collector streets and local streets--Urban area.</b></p> <p>(a) The standards for building lines in an urban area are intended to:</p> <p>(1) Foster a design framework applicable to urban areas that differ in character from each other and from suburban areas; and</p> <p>(2) Assure that pedestrian use of sidewalks is not impeded by vehicles blocking the sidewalks.</p> <p>(b) The building line requirement for a subdivision or development in an urban area restricted to single-family residential use adjacent to a collector street or a local street shall be:</p> <p>(1) Ten feet for the principal structure; and</p> <p>(2) Seventeen feet for any carport or garage facing the collector street or local street unless otherwise required or authorized by this article. A building above the garage or carport may overhang the building line up to seven feet.</p> <p>(c) A front building line requirement of five feet is authorized for</p>	

<p>all or a portion of the lots in a subdivision or development in an urban area that is restricted to single-family residential use adjacent to a collector street or a local street that meets one of the following standards:</p> <ul style="list-style-type: none"> <li>(1) Vehicular access to a driveway, garage or carport is available only from the rear of each lot through an alley or shared driveway;</li> <li>(2) The subdivision or development includes a separate common parking facility containing an adequate number of parking spaces; or</li> <li>(3) Vehicular access to each lot is provided by a shared driveway and the subdivision meets each of the following standards: <ul style="list-style-type: none"> <li>a. The shared driveway intersects only with one or more public streets and is designed as a one-way loop that is a minimum of 12 feet wide or as a two-way shared driveway that is a minimum of 16 feet wide;</li> <li>b. The garage portion of each single-family residential unit is set back from the edge of the shared driveway at least four feet;</li> <li>c. The garage entry door is perpendicular to the public street; and</li> <li>d. The plat contains a note that restricts the locations of any fence or wall up to eight feet high to at least two feet from the property line along the collector street or local street, which two-foot area shall be planted and maintained with landscaping.</li> </ul> </li> <li>(d) A front building line requirement of zero feet adjacent to a collector street or a local street is authorized for a subdivision restricted to single-family residential use in an urban area and that meets the following standards: <ul style="list-style-type: none"> <li>(1) The subdivision is solely a replat of a lot on a corner at the intersection of two public streets; and</li> <li>(2) Each lot in the replat provides for one or more shared driveways so that every dwelling unit will share a shared driveway with at least one other dwelling unit.</li> </ul> </li> </ul>	
<p><b>Sec. 42-163. Preservation of prevailing building lines.</b></p> <p>(a) To preserve the character of existing blockfaces in residential neighborhoods in <u>urban areas</u> that do not have building lines established by deed restrictions, the building line requirement may be established pursuant to this section through the creation of a special building line requirement area, and a special building line requirement so created will prevail over any more lenient building line requirement established by this article. A building line requirement established pursuant to this section shall not be established that is greater than the prevailing building line of the blockface. A blockface qualifies for establishment of a special building line requirement pursuant to this section unless all lots on the blockface are subject to a deed restriction establishing a uniform front building line for the blockface.</p>	
<p><b>Sec. 42-183. Lot sizes--Single-family residential--Urban area.</b></p> <p>(a) The minimum lot size for a single-family residential lot in an urban area shall be:</p> <ul style="list-style-type: none"> <li>(1) 3,500 square feet for lots with wastewater collection service;</li> <li>(2) Less than 3,500 square feet for lots with wastewater collection service, but in no event less than 1,400 square feet, if the subdivision plat meets the standards of: <ul style="list-style-type: none"> <li>a. Subsection (b); or</li> <li>b. Sections 42-184 and 42-185 of this Code; or</li> </ul> </li> <li>(3) The minimum requirement of section 42-181 of this Code for</li> </ul>	

<p>lots without wastewater collection service.</p> <p>(b) A subdivision in an urban area may provide for a single-family lot size of less than 3,500 square feet, but not less than 1,400 square feet, if the subdivision plat meets the following development standards:</p> <p>(1) For a subdivision that is not the replat of a lot on a corner at the intersection of two public streets:</p> <p>a. Buildings do not cover more than 60% of the area of each lot that is less than 3,500 square feet in size;</p> <p>b. The subdivision plat provides for permeable area in an amount equal to 150 square feet per lot;</p> <p>c. The number of single-family residential dwelling units that can be constructed within the proposed subdivision does not exceed an equivalent density of 27 units to the gross acre of all land within the boundaries of the subdivision plat; and</p> <p>d. All lots have adequate wastewater collection service; or</p> <p>(2) For a subdivision that is solely a replat of a lot on a corner at the intersection of two public streets:</p> <p>a. Buildings do not cover more than 75% of the area of each lot that is less than 3,500 square feet in size, on average of the lots in the subdivision;</p> <p>b. The subdivision plat provides for permeable area in an amount equal to 150 square feet per lot;</p> <p>c. The number of single-family residential dwelling units that can be constructed within the proposed subdivision does not exceed an equivalent density of 27 units to the gross acre of all land within the boundaries of the subdivision plat;</p> <p>d. All lots in the subdivision have adequate wastewater collection service.</p>	
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**Sec. 42-184. Reduction in lot size; compensating open space.**

Lot sizes less than the otherwise applicable minimum prescribed in sections 42-182 and 42-183 of this Code are permitted in subdivisions where compensating open space is provided within the boundaries of the subdivision plat in accordance with the following schedule and in conformance with the design standards of section 42-185 of this Code:

TABLE INSET:

Average lot size may be reduced to this square footage	Upon providing this amount of compensating open space per lot			
	Suburban Area	Urban Area		
4,999--4,500	100	None		
4,499--4,000	200	None		
3,999--3,500	300	None		
3,499--3,000	400	240		



2,999--2,500	500	360		
2,449--2,000	600	480		
1,999--1,400	720	600		
<b>Sec. 42-213. Preservation of prevailing lot sizes.</b> (a) To preserve the character of existing residential neighborhoods in <u>urban areas</u> that do not have minimum lot size established by deed restrictions, the minimum lot size may be established pursuant to this section through the creation of a special minimum lot size area, and a minimum lot size so created will prevail over any lesser minimum lot size established by this article. A minimum lot size established pursuant to this section shall not be established that is greater than the prevailing lot size of the area to be designated. An area qualifies for establishment of a special minimum lot size pursuant to this section unless all lots in the area to be designated are subject to a deed restriction establishing a uniform minimum lot size for the area.				